



National Clearinghouse on Child Abuse and Neglect Information National Adoption Information Clearinghouse



Gateways to Information: Protecting Children and Strengthening Families

2003 Child Abuse and Neglect State Statute Series Statutes-at-a-Glance Reporting Penalties

What You Need to Know

Many cases of child abuse or neglect are neither reported nor investigated even when suspected by professionals. Therefore, almost every State and U.S. Territory imposes penalties, in the form of a fine or imprisonment, on those who "knowingly" and/or "willfully" fail to report. Also, in order to prevent malicious or intentional reporting of cases that are not founded, several States and Territories impose additional penalties for false reports of child abuse or neglect.

Penalties for Failure to Report

Approximately¹ 46 States, the District of Columbia, and the U.S. Territories of American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have enacted statutes specifying the penalties for failure to report child abuse or neglect. Of these jurisdictions, approximately 33 States, the District of Columbia, and the Territories use a "knowingly," "knows or should have known," and/or "willfully" standard. Other standards include "intentionally" and "purposely." A few States impose penalties without providing a standard. Failure to report is classified as a misdemeanor in approximately 35 States and American Samoa, Puerto Rico, and the Virgin Islands, while in Arizona, Illinois, and Guam, subsequent violations are classified as felonies.

Penalties for False Reports

Approximately 31 States and Puerto Rico and the Virgin Islands have statutes specifying penalties for false reports of child abuse or neglect. The most common standards are "knowingly" and/or "willfully." The penalties imposed are similar to those for failure to report. The majority of States classify false reporting as a misdemeanor. In nine States, however, a false report may be classified as a felony under specific circumstances.

The Statutes-at-a-Glance listings summarize specific sections of each State's code. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures. Readers interested in interpretation of specific statutory provisions within an individual jurisdiction should consult with professionals within the State familiar with the statutes' implementation.

To obtain additional copies of this product or for more information, contact:

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The Clearinghouses are services of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.

¹ The word *approximately* is used to stress the fact that statutes are constantly being revised and updated.

Alabama

Statute: § 26-14-13; § 13A-10-9

Failure to Report

Standard:
Knowingly

Penalty:
Misdemeanor: imprisonment not exceeding 6 months or a fine not exceeding \$500

False Reporting

Standard:
Knowingly

Penalty:
Class A misdemeanor

Alaska

Statute: § 47.17.068

Failure to Report

Standard:
Knew or should have known

Penalty:
Class B misdemeanor

False Reporting

Standard:
Not addressed in statutes reviewed

Penalty:
Not addressed in statutes reviewed

American Samoa

Statute: § 45.2002(d)

Failure to Report

Standard:
Willfully

Penalty:

- Class A misdemeanor
- Civilly liable for damages proximately caused

False Reporting**Standard:**

Not addressed in statutes reviewed

Penalty:Not addressed in statutes reviewed

Arizona**Statute:** § 13-3620(O); § 13-3620.01***Failure to Report*****Standard:**

Not specified

Penalty:

- Class 1 misdemeanor
- If it involves a reportable offense, Class 6 felony

False Reporting**Standard:**

Knowingly and intentionally, with malice

Penalty:Class 1 misdemeanor

Arkansas**Statute:** § 12-12-504(a),(b),(d)***Failure to Report*****Standard:**

- Willfully
- Negligently

Penalty:

- Class C misdemeanor
- Civilly liable for damages proximately caused

False Reporting**Standard:**

Willfully

Penalty:

- Class A misdemeanor
 - Class D felony, when there is a prior conviction
-

California

Statute: Penal § 11166(b); § 11172(a)

Failure to Report**Standard:**

Knows or reasonably suspects

Penalty:

Misdemeanor: confinement in county jail not exceeding 6 months and/or a fine not exceeding \$1,000

False Reporting**Standard:**

- Reckless disregard of truth
- Knowingly

Penalty:

Liable for damages proximately caused

Colorado

Statute: § 19-3-304(3.5),(4)

Failure to Report**Standard:**

Willfully

Penalty:

- Class 3 misdemeanor
- Liable for damages

False Reporting**Standard:**

Knowingly

Penalty:

- Class 3 misdemeanor
 - Liable for damages
-

Connecticut

Statute: § 17a-101a; § 17a-101e(c)

Failure to Report**Standard:**

Not specified

Penalty:

- A fine not exceeding \$500
 - Required to participate in a training program
-

False Reporting

Standard:
Knowingly

Penalty:
A fine not exceeding \$2,000 and/or imprisonment for not more than 1 year

Delaware

Statute: Tit. 16, § 914

Failure to Report

Standard:
Knowingly or willfully

Penalty:
A fine not exceeding \$1000 and/or imprisonment not exceeding 15 days

False Reporting

Standard:
Knowingly or willfully

Penalty:
A fine not exceeding \$1000 and/or imprisonment not exceeding 15 days

District of Columbia

Statute: § 4-1321.07

Failure to Report

Standard:
Willfully

Penalty:
A fine not exceeding \$100 and/or imprisonment not exceeding 30 days

False Reporting

Standard:
Not addressed in statutes reviewed

Penalty:
Not addressed in statutes reviewed

Florida

Statute: § 39.205(1)-(2), (6); § 39.206(1)

Failure to Report**Standard:**

Knowingly or willfully

Penalty:

Misdemeanor of first degree

False Reporting**Standard:**

Knowingly or willfully

Penalty:

Felony of third degree: possible fine not exceeding \$10,000

Georgia

Statute: § 19-7-5(h)

Failure to Report**Standard:**

Knowingly or willfully

Penalty:

Misdemeanor

False Reporting**Standard:**

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

Guam

Statute: Tit. 19, § 13207

Failure to Report**Standard:**

Knew or should have known

Penalty:

- Imprisonment not exceeding 6 months and/or a fine not exceeding \$1,000
 - Subsequent convictions, a 3rd degree felony
-

False Reporting

Standard:

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

Hawaii

Statute: § 350-1.2

Failure to Report

Standard:

Knowingly

Penalty:

Petty misdemeanor

False Reporting

Standard:

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

Idaho

Statute: § 16-1619(d); § 16-1620A

Failure to Report

Standard:

Not specified

Penalty:

Misdemeanor

False Reporting

Standard:

Knowingly; in bad faith or with malice

Penalty:

Liable for damages sustained or statutory damages of \$500, whichever is greater, plus attorney's fees and costs

Illinois

Statute: Ch. 325, para. § 5/4; § 5/4.02

Failure to Report**Standard:**

- Knowingly and willfully
- Willfully

Penalty:

- Class A misdemeanor for first violation; Class 4 felony for subsequent violation
- Physician, dentist or dental hygienist: referred to Illinois State Medical Disciplinary Board

False Reporting**Standard:**

Knowingly

Penalty:

Offense of disorderly conduct for a first violation; Class 4 felony for subsequent violation

Indiana

Statute: § 31-33-22-1; § 31-33-22-3(a)-(b)

Failure to Report**Standard:**

Knowingly

Penalty:

- Class B misdemeanor
- Staff member of a medical or other institution, school, facility, or agency: Class B misdemeanor penalty imposed in addition to above

False Reporting**Standard:**

Intentionally

Penalty:

- Class A misdemeanor: liable for actual damages and possibly punitive damages
 - Class D felony, if there is a prior conviction
-

Iowa

Statute: § 232.75

Failure to Report**Standard:**

- Knowingly and willfully
 - Knowingly
-

Penalty:

- Simple misdemeanor
- Civilly liable for damages proximately caused

False Reporting

Standard:

Knowingly

Penalty:

Simple misdemeanor

Kansas

Statute: § 38-1522(f), (g)

Failure to Report

Standard:

Knowingly and willfully

Penalty:

Class B misdemeanor

False Reporting

Standard:

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

Kentucky

Statute: § 620.990(1); § 620.050(1)

Failure to Report

Standard:

Intentionally

Penalty:

Class B misdemeanor

False Reporting

Standard:

Knowingly, with malice

Penalty:

Class A misdemeanor

Louisiana

Statute: Children's Code Ann. art. § 609(A)(2), (C)

Failure to Report

Standard:
Not specified

Penalty:
Subject to criminal prosecution

False Reporting

Standard:
Knowingly

Penalty:
Subject to criminal prosecution

Maine

Statute: Tit. 22, § 4014(1)

Failure to Report

Standard:
Not addressed in statutes reviewed

Penalty:
Not addressed in statutes reviewed

False Reporting

Standard:
Knowingly

Penalty:
Subject to criminal or civil action

Maryland

Statute: Not addressed in statutes reviewed

Failure to Report

Standard:
Not addressed in statutes reviewed

Penalty:
Not addressed in statutes reviewed

False Reporting**Standard:**

Not addressed in statutes reviewed

Penalty:Not addressed in statutes reviewed

Massachusetts**Statute:** Ch. 119, § 51A***Failure to Report*****Standard:**

Not specified

Penalty:

A fine not exceeding \$1,000

False Reporting**Standard:**

Knowingly

Penalty:A fine not exceeding \$1,000

Michigan**Statute:** § 722.633(1),(2),(5)***Failure to Report*****Standard:**

Knowingly

Penalty:

- Misdemeanor: imprisonment not exceeding 93 days and/or fine not exceeding \$500
- Civilly liable for damages proximately caused

False Reporting**Standard:**

- Knowingly
- Intentionally

Penalty:

- Misdemeanor: punishable by imprisonment of not more than 93 days or a fine of not more than \$100 if the abuse reported would be a misdemeanor if true
- Felony: if the abuse reported would be a felony if true, punishable by imprisonment of not more than 4 years and/or a fine of not more than \$2,000

Minnesota

Statute: § 626.556 Subd. 5, 6

Failure to Report**Standard:**

- Knows or has reason to believe
- Knows or reasonably should know

Penalty:

- Mandatory reporter: misdemeanor
- Parent, guardian, or caretaker: gross misdemeanor if child's health is in serious danger and child suffers great bodily harm due to lack of medical care; felony if child dies
- Imprisonment not exceeding 2 years and/or fine not exceeding \$4,000

False Reporting**Standard:**

Knowingly or recklessly

Penalty:

Civilly liable for actual and punitive damages; responsible for costs and reasonable attorney fees

Mississippi

Statute: § 43-21-353(7)

Failure to Report**Standard:**

Willfully

Penalty:

Imprisonment not exceeding 1 year and/or a fine not exceeding \$5,000

False Reporting**Standard:**

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

Missouri

Statute: § 210.165(1)-(3)

Failure to Report**Standard:**

Not specified

Penalty:
Class A misdemeanor

False Reporting

Standard:
Intentionally

Penalty:

- Class A misdemeanor
- Class D felony if previously convicted

Montana

Statute: § 41-3-207; § 41-3-203(1)

Failure to Report

Standard:
Purposely or knowingly

Penalty:
Misdemeanor: civilly liable for damages proximately caused

False Reporting

Standard:
Knowingly

Penalty:
Civilly liable for damages

Nebraska

Statute: § 28-716; § 28-717

Failure to Report

Standard:
Willfully

Penalty:
Class 3 misdemeanor

False Reporting

Standard:
Maliciously

Penalty:
Subject to criminal or civil action

Nevada

Statute: § 432B.240

Failure to Report

Standard:
Knowingly or willfully

Penalty:
Misdemeanor

False Reporting

Standard:
Not addressed in statutes reviewed

Penalty:
Not addressed in statutes reviewed

New Hampshire

Statute: § 169-C:39

Failure to Report

Standard:
Knowingly

Penalty:
Misdemeanor

False Reporting

Standard:
Not addressed in statutes reviewed

Penalty:
Not addressed in statutes reviewed

New Jersey

Statute: § 9:6-8.14

Failure to Report

Standard:
Knowingly

Penalty:
Imprisonment not exceeding 6 months

False Reporting

Standard:

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

New Mexico

Statute: § 32A-4-3(F)

Failure to Report

Standard:

Not specified

Penalty:

Misdemeanor

False Reporting

Standard:

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

New York

Statute: Soc. Serv. § 420

Failure to Report

Standard:

- Willfully
- Knowingly and willfully

Penalty:

- Class A misdemeanor
- Civilly liable for damages proximately caused

False Reporting

Standard:

Knowingly

Penalty:

Class A misdemeanor

North Carolina

Statute: Not addressed in statutes reviewed

Failure to Report**Standard:**

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

False Reporting**Standard:**

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

North Dakota

Statute: § 50-25.1-13

Failure to Report**Standard:**

Willfully

Penalty:

Class B misdemeanor

False Reporting**Standard:**

Willfully

Penalty:

- Class B misdemeanor
 - Class A misdemeanor if made to a law enforcement official
 - Civilly liable for damages
-

Northern Mariana Islands

Statute: Tit. 6, § 5315

Failure to Report**Standard:**

Knowing or willful failure

Penalty:

Fine not exceeding \$100 and/or imprisonment not exceeding 30 days

False Reporting**Standard:**

Not addressed in statutes reviewed

Penalty:Not addressed in statutes reviewed

Ohio**Statute:** § 2151.421(A),(G),(H); § 2921.14***Failure to Report*****Standard:**

Knowledge or suspicion

Penalty:

None specified

False Reporting**Standard:**

Knowingly

Penalty:

- Misdemeanor of first degree
 - Reasonable attorney's fees and costs in any civil action
-

Oklahoma**Statute:** Tit. 10, 7103(C),(D)***Failure to Report*****Standard:**

Knowingly or willfully

Penalty:

Misdemeanor

False Reporting**Standard:**

Knowingly and willfully

Penalty:Misdemeanor: a fine not to exceed \$5,000 if made during a child custody proceeding

Oregon**Statute:** § 419B.010(3)**Failure to Report****Standard:**

Not specified

Penalty:

Class A violation

False Reporting**Standard:**

Not addressed in statutes reviewed

Penalty:Not addressed in statutes reviewed

Pennsylvania**Statute:** 23 PCSA § 6319**Failure to Report****Standard:**

Willfully

Penalty:

- Summary offense for first violation
- Misdemeanor of third degree for second or subsequent violation

False Reporting**Standard:**

Not addressed in statutes reviewed

Penalty:Not addressed in statutes reviewed

Puerto Rico**Statute:** Tit. 8, § 441i**Failure to Report****Standard:**

Willfully and deliberately

Penalty:Misdemeanor: minimum fine \$200, maximum fine \$1,000 or imprisonment not exceeding 30 days

False Reporting**Standard:**

Deliberately

Penalty:Misdemeanor: minimum fine \$200, maximum fine \$1,000 or imprisonment not exceeding 30 days

Rhode Island**Statute:** § 40-11-6.1; § 40-11-3.2***Failure to Report*****Standard:**

Knowingly

Penalty:

- Misdemeanor: a fine not exceeding \$500 and/or imprisonment not exceeding 1 year
- Civilly liable for damages proximately caused

False Reporting**Standard:**

Knowingly and willingly

Penalty:Misdemeanor: a fine not exceeding \$1000 and/or imprisonment not exceeding 1 year

South Carolina**Statute:** § 20-7-560; § 20-7-567***Failure to Report*****Standard:**

Knowingly

Penalty:

Misdemeanor: a fine not exceeding \$500 and/or imprisonment not exceeding 6 months

False Reporting**Standard:**

Knowingly

Penalty:Misdemeanor: a fine not exceeding \$5000 and/or imprisonment not exceeding 90 days

South Dakota

Statute: § 26-8A-3; § 26-8A-6; § 26-8A-7

Failure to Report**Standard:**

- Intentionally
- Knowingly and intentionally

Penalty:

- Class 1 misdemeanor
- Staff of hospitals or schools: Class 1 misdemeanor

False Reporting**Standard:**

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

Tennessee

Statute: § 37-1-412(a); § 37-1-413

Failure to Report**Standard:**

Knowingly

Penalty:

- Class A misdemeanor
- If pleads guilty before a court, fine limited to \$50

False Reporting**Standard:**

Knowingly and maliciously

Penalty:

Class E felony (only applies to sexual abuse reporting)

Texas

Statute: Fam. § 261.107(a)-(b); § 261.109

Failure to Report**Standard:**

Knowingly

Penalty:

Class B misdemeanor

False Reporting**Standard:**

Knowingly or intentionally

Penalty:

- Class A misdemeanor
 - State jail felony, if there is a prior conviction
-

Utah**Statute:** § 62A-4a-411***Failure to Report*****Standard:**

Willfully

Penalty:

Class B misdemeanor

False Reporting**Standard:**

Not addressed in statutes reviewed

Penalty:Not addressed in statutes reviewed

Vermont**Statute:** Tit. 33, § 4913(e)***Failure to Report*****Standard:**

- Not specified
- Intent to conceal

Penalty:

- A fine not exceeding \$500
- Imprisonment of not more than 6 months and/or a fine not exceeding \$1,000

False Reporting**Standard:**

Not addressed in statutes reviewed

Penalty:Not addressed in statutes reviewed

Virgin Islands

Statute: Tit. 5, § 2539

Failure to Report

Standard:
Knowingly

Penalty:
Misdemeanor: fine not exceeding \$500 and/or imprisonment not exceeding 1 year

False Reporting

Standard:
Knowingly

Penalty:
2nd degree false reporting

Virginia

Statute: § 63.2-1509(D); § 63.2-1513(A)

Failure to Report

Standard:
Not specified

Penalty:

- A fine not exceeding \$500 for first violation
- A fine of no less than \$100 nor exceeding \$1,000 for subsequent violations

False Reporting

Standard:
Knowingly

Penalty:

- Class 1 misdemeanor
- Class 6 felony, if there is a prior conviction

Washington

Statute: § 26.44.080; § 26.44.060(4)

Failure to Report

Standard:
Knowingly

Penalty:
Gross misdemeanor

False Reporting

Standard:

Intentionally and in bad faith or maliciously; knowingly

Penalty:

Misdemeanor

West Virginia

Statute: § 49-6A-8

Failure to Report

Standard:

Knowingly

Penalty:

Misdemeanor: imprisonment in county jail not exceeding 10 days and/or a fine not exceeding \$100

False Reporting

Standard:

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

Wisconsin

Statute: § 48.981(6)

Failure to Report

Standard:

Intentionally

Penalty:

A fine not exceeding \$1,000 and/or imprisonment not exceeding 6 months

False Reporting

Standard:

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

Wyoming

Statute: Not addressed in statutes reviewed

Failure to Report

Standard:

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed

False Reporting

Standard:

Not addressed in statutes reviewed

Penalty:

Not addressed in statutes reviewed